

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL HOLMBERG,

Plaintiff,

V.

ELDON VAIL, DAN PACHOLKE,
PATRICK GLEBE, WANDA McRAE,
CHERYL SULLIVAN, and JOHN AND
JANE DOES 1-5,

Defendants.

No. 11-5449 BHS/KLS

**ORDER GRANTING DEFENDANTS'
MOTION TO STAY DISCOVERY**

Before the Court is Defendants' motion to stay discovery pending the Court's resolution of Defendant's motion to dismiss. ECF No. 16. For the reasons stated below, the Court finds that the motion should be granted.

BACKGROUND

Plaintiff Michael Holmberg is a Washington Department of Corrections (“DOC”) inmate currently incarcerated at Stafford Creek Corrections Center (SCCC). He has filed a civil rights action alleging that he was improperly denied indigent postage for non-legal mail and that in retaliation, his check was not mailed. ECF No. 5 at 2. Defendants have moved for dismissal of his claims based on the statute of limitations, lack of standing and personal participation, failure to exhaust, and failure to state a claim. ECF No. 16. Defendants also move to stay discovery pending resolution of their motion. *Id.* Mr. Holmberg is not opposed to a stay in discovery pending the motion to dismiss. *Id.*, Exh. 2.

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DISCUSSION

The court has broad discretionary powers to control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Upon showing of good cause, the court may deny or limit discovery. Fed. R. Civ. P. 26(c). A court may relieve a party of the burdens of discovery while a dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir. 1989), amended at 906 F.2d 465 (9th Cir. 1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir. 1984).

It is necessary for this Court to resolve Defendants' Motion to Dismiss to determine what claims and Defendants survive the pleading stage. Plaintiff is not opposed to the stay.

Accordingly, it is **ORDERED** that all discovery in this matter shall be **STAYED** pending further order of this Court.

DATED this 8th day of December, 2011.

Karen L. Strombom
Karen L. Strombom
United States Magistrate Judge